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JAN 25 1993

January 25, 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Attention: Allocations Branch

RE: Petition for Rulemaking and
Request for Modification of License
Twin Lakes Communications, Inc.
Versailles, Missouri

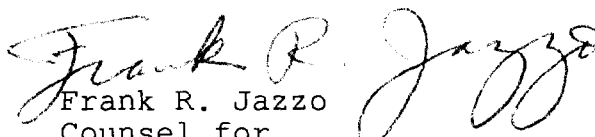
Dear Ms. Searcy:

Transmitted herewith, on behalf of Twin Lakes Communications, Inc., licensee of KLGS(FM), Versailles, Missouri, are an original and four copies of a Petition for Rulemaking to amend Section 73.202(b) of the Commission's Rules by substituting Channel 236C3 for Channel 236A at Versailles, Missouri, and a request to modify KLGS(FM)'s license to specify operation thereon.

Should any additional information be required, please contact this office.

Very truly yours,

FLETCHER, HEALD & HILDRETH


Frank R. Jazzo
Counsel for
Twin Lakes Communications, Inc.

FRJ/es
Enclosure

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BEFORE THE

Federal Communications Commission

JAN 25 1993

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. _____
Table of FM Allotments) RM- _____
Versailles, Missouri)

To: Chief, Allocations Branch

**PETITION FOR RULEMAKING AND
REQUEST FOR MODIFICATION OF LICENSE**

Twin Lakes Communications, Inc. ("Twin Lakes"), licensee of FM station KLGS, Channel 236A, Versailles, Missouri, by its attorney, hereby petitions the Commission to institute a rulemaking proceeding for the purpose of amending Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, by substituting Channel 236C3 for Channel 236A at Versailles, Missouri. The Table of FM Allotments is proposed to be amended as follows:

<u>Community</u>	<u>Allotments</u> <u>Existing</u>	<u>Proposed</u>
Versailles, Missouri	236A	236C3

In addition, the Commission is requested to modify the license of KLGS to specify operation on Channel 236C3, pursuant to Section 1.420(g)(3) of the Commission's Rules. The Commission may modify the license of KLGS without considering competing expressions of interest because Channel 236C3 is a mutually exclusive higher class co-channel with respect to Channel 236A. See Report and Order in MM Docket No. 85-313, FCC 86-181, released April 29, 1986.

1. Attached as Exhibit A hereto is the engineering statement of Olvie E. Sisk of Sisk Engineering, Inc. It demonstrates that Channel 236C3 may be allotted to Versailles, Missouri, at the

proposed reference coordinates of 38° 20' 27"N, 92° 35' 33"W, consistent with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules.¹ Operation on Channel 236C3 will permit Twin Lakes to increase significantly KLGS's service area and to provide Versailles, Missouri, with its first wide-area coverage FM service. The engineering statement demonstrates that operation of KLGS on Channel 236C3 from the proposed reference coordinates will provide the requisite 3.16 mV/m contour over Versailles.

2. If Channel 236C3 is substituted for Channel 236A at Versailles, Missouri, and the license of KLGS is modified to specify operation thereon, Twin Lakes will promptly apply for a construction permit to upgrade KLGS's facilities and, when the application is granted, Twin Lakes will expeditiously construct the authorized upgraded facilities.

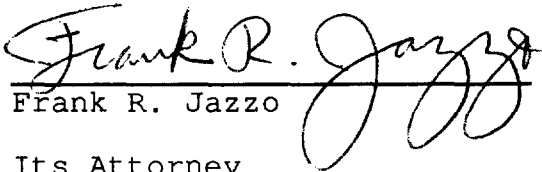
3. Pursuant to Section 1.401(d) of the Commission's Rules, a draft Notice of Proposed Rulemaking is attached hereto as Exhibit C.

¹ On October 22, 1992, the Commission cancelled the construction permit of KLZE(FM), Owensville, Missouri, for Class C2 facilities on Channel 237C2 at Owensville (BPH-881110IB). KLZE is presently licensed to operate with Class A facilities of three kilowatts ERP at an HAAT of 100 meters on Channel 237A. A copy of the cancellation letter and KLZE license are attached hereto as Exhibit B. No timely petition for reconsideration of the KLZE construction permit cancellation has been filed. Accordingly, KLZE's channel of operation must be downgraded to Channel 237A. Twin Lakes' instant Petition for Rulemaking is fully-spaced to KLZE's Channel 237A facilities. To the extent necessary, Twin Lakes hereby requests that KLZE's channel of operation be formally changed to Channel 237A in the FM Table of Allotments.

WHEREFORE, for the foregoing reasons, Twin Lakes respectfully requests that the Commission initiate a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules by substituting Channel 236C3 for Channel 236A at Versailles, Missouri, and modify the license of KLGS to specify operation thereon.

Respectfully submitted,

TWIN LAKES COMMUNICATIONS, INC.

By: 
Frank R. Jazzo
Its Attorney

FLETCHER, HEALD & HILDRETH
1225 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036
(202) 828-5700

After February 1, 1993:

11th Floor
1300 North 17th Street
Rosslyn, Virginia 22209
(703) 812-0400

January 25, 1993

EXHIBIT A

Engineering Statement of Olvie E. Sisk
of Sisk Engineering, Inc.

ENGINEERING STATEMENT
ON BEHALF OF
TWIN LAKES COMMUNICATIONS, INC.
VERSAILLES, MISSOURI

INTRODUCTION:

This Engineering Statement has been prepared on behalf of Twin Lakes Communications, Inc., Licensee of FM station, KLGS, on Channel 236-A in support of the assignment of 236 C-3 to Versailles, Missouri. KLGS can upgrade to a C-3 at the proposed reference coordinates of N. Lat. 38-20-27 and W. Long. 92-35-33 on its present channel. This upgrade can be accomplished for KLGS since the CP for KLEZ at Owensville has been canceled and they have been reclassified as a Class A. This assignment can be made to Versailles, Missouri, without any other changes in 73.202, as amended.

As a Class A station, KLGS-FM has been operating with facility coverage that is inferior to the other stations in the area. In order to significantly improve its service to Versailles and the surrounding area, it is necessary to change classes so that a higher class facility can be authorized. This will permit KLGS-FM to operate with facilities up to a maximum of 25 kW ERP with an EH of up to 100 meters.

Twin Lakes Communications, Inc. is prepared to make an application to switch to the higher class station if the Commission will reclassify KLGS-FM from a Class A station at Versailles to this Class C-3 channel.

ALLOCATION STUDY:

An allocation study has been attached as a part of this report which illustrates that this channel 236 C-3 can be assigned to Twin Lakes Communications, Inc., at the proposed site listed above. This site will meet all the spacing requirements for this proposed C-3 operation as required by Rule 73.202. This allocation study is Exhibit 1.

TERRAIN STUDY:

Exhibit 2 is the required terrain study. In order to predict the service area and the city grade contour which KLGS would expect to have, a terrain study was conducted of the area and eight radials were laid out at 45 degree intervals from the prospective site.

DISTANCE TO CONTOURS:

Exhibit 3 is the tabulation of distance in kilometers to the (3.16 mV/m) 70 dbu contour and the (1 mV/m) 60 dbu contour. These distances were computer calculated, utilizing the FCC 50-50 Chart, 47 CFR 73.333, Figure 1.

COMPUTER GENERATED MAP:

Exhibit 4 is a computer generated map showing the stations involved in the allocation study and how they affect the proposal at Versailles.

CITY GRADE COVERAGE

Exhibit 5 is a map showing that the proposal at Versailles complies with 47 CFR 73.315 (a) and (b).

Sisk Engineering, Inc. assumes no liability for any errors or omissions in the information hereby provided, and shall not be liable for any injuries or damages (including consequential) which might result from use of this engineering report. Sisk Engineering, Inc. assumes no liability for this report if it is accepted or rejected by the Federal Communications Commission. The Applicant agrees with these stated terms and conditions or this report is considered null and void and is not to be utilized in any way or filed with the Federal Communications Commission.


Olvie E. Sisk

Date: January 11, 1993

CERTIFICATION

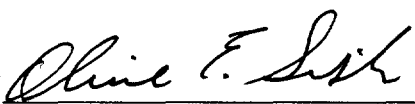
I, Olvie E. Sisk, do hereby certify under penalty of perjury;

That my qualifications in telecommunications matters are a matter of record before the Federal Communications Commission having been presented and accepted upon many occasions in the past;

That I am a consultant doing business at Fulton, Mississippi, specializing in technical topics pertaining to the broadcast industry and the associated RF transmission systems;

That I have been retained by Twin lakes Communications, Inc., to perform certain technical studies and prepare this report of same;

That the accompanying technical report and exhibits were prepared by me personally or under my immediate personal supervision and that all information presented therein is true and correct of my own knowledge and belief.

/s/ 
Olvie E. Sisk

Executed on January 11, 1993

KEY TO EXHIBIT:

1. NAME OF APPLICANT: TWIN LAKES COMMUNICATIONS, INC.
2. LOCATION: VERSAILLES, MISSOURI
3. FACILITIES REQUESTED: CHANNEL 236 C-3
4. EFFECTIVE RADIATED POWER: 25 KW ERP
5. EXHIBIT 1 - ALLOCATION STUDY
6. EXHIBIT 2 - TERRAIN STUDY
7. EXHIBIT 3 - DISTANCE TO CONTOURS
8. EXHIBIT 4 - COMPUTER GENERATED MAP
9. EXHIBIT 5 - CITY GRADE COVERAGE

SISK ENGINEERING
P.O. Box 549 - Fulton MS - 601 862-2233

VERSAILLES MO.

REFERENCE		DISPLAY DATES
38 20 27 N	CLASS C3	DATA 11-25-92
92 35 33 W	Current rules spacings	SEARCH 01-11-93
----- CHANNEL 236 - 95.1 MHz -----		

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KLGS	236A	Versailles	MO	297.1	16.60	142.0	-125.40 *
KLGS.A	236A	Versailles	MO	297.1	16.60	142.0	-125.40 *
KLZE	237A	Owensville	MO	95.8	93.03	89.0	4.03
AD237	237C3	Clinton	MO	274.2	104.09	99.0	5.09
KAMS	236C1	Mammoth Spring	AR	152.7	224.11	211.0	13.11
DE237	237A	Clinton	MO	273.6	103.27	89.0	14.27
KDKDFM	237A	Clinton	MO	273.6	103.27	89.0	14.27
KWWR	239C	Mexico	MO	30.9	110.47	96.0	14.47
KCMOFM	235C	Kansas City	MO	295.1	191.16	176.0	15.16
KMXL	236C2	Carthage	MO	230.5	201.92	177.0	24.92
KTTSFM	234C	Springfield	MO	197.1	135.35	96.0	39.35

TERRAIN AND CONTOUR DATA
FOR KLGS PROPOSED UP-GRADE

ERP = 25 kW
FM - 2-6 Tables

Azimuth Deg T.	Ave. Elev. 3 to 16 km Meters AMSL	Effective Antenna Height Meters AAT	ERP (dBk)	F(50-50) Distance to 70 dBu Contour km	F(50-50) Distance to 60 dBu Contour km
0	263.1	83.9	13.979	21.3	36.2
45	257.2	89.8	13.979	22.0	37.3
90	234.6	112.4	13.979	24.5	41.0
135	242.5	104.5	13.979	23.7	39.8
180	212.5	134.5	13.979	26.4	43.9
225	236.4	110.6	13.979	24.4	40.7
270	258.4	88.6	13.979	21.9	37.1
315	270.9	76.1	13.979	20.3	34.6

Ave. = 247 M 100.0 M

Antenna Radiation Center AMSL = 347.0 M

Geographic Coordinates:

North latitude: 38 20 27

West longitude: 92 35 33

**TERRAIN AND CONTOUR DATA
KLGS RADIO**

ERP = 25 kW
FM - 2-6 Tables

Azimuth Deg T.	Ave. Elev. 3 to 16 km Meters AMSL	Effective Antenna Height Meters AAT	ERP (dBk)	F(50-50) Distance to 70 dBu Contour km
0	263.1	83.9	13.979	21.3
45	257.2	89.8	13.979	22.0
90	234.6	112.4	13.979	24.5
135	242.5	104.5	13.979	23.7
180	212.5	134.5	13.979	26.4
225	236.4	110.6	13.979	24.4
270	258.4	88.6	13.979	21.9
315	270.9	76.1	13.979	20.3

Ave. = 247 M 100.0 M

Antenna Radiation Center AMSL = 347.0 M

Geographic Coordinates:

North latitude: 38 20 27

West longitude: 92 35 33

EXHIBIT 4

USABLE AREA FOR SITE

PROPOSED SITE

Scale 1:500,000
1 inch equals approximately 8 miles

0 10 20 30 40 Miles

0 10 20 30 40 50 Kilometers

EXHIBIT 5



EXHIBIT B

KLZE(FM) License and CP Cancellation Letter

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

OCT 22 1992

IN REPLY REFER TO:
1800B3-LCJ

Certified Mail-Return Requested

Davel Broadcasting Group Inc.
309 BN First Street
Owensville, MO 65066

In re: KLZE
Owensville, MO
BPH-881110IB

Licensee:

This concerns the above-referenced construcion permit.

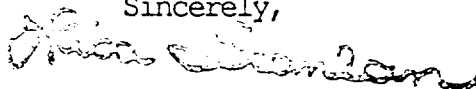
Section 73.3599 of the Commission's Rules provides, in pertinent part, that a construction permit shall be declared forfeited if the station is not ready for operation within time specified therein or within such time as the Commission may have allowed for completion.

Your construction permit (BPH-881110IB) was granted on March 16, 1989, and was to have been completed by September 16, 1990.

To date, no FCC Form 302 license application has been filed to cover this construction; nor has an FCC form 307 application requesting extension of time to construct been received.

In view of the above, and in accordance with Section 73.3599 of the Commission's Rules, your construction permit (BPH-881110IB) having been declared forfeited IS HEREBY CANCELLED.¹

Sincerely,



Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau.

¹ This action has no effect on your facility to operate as licensed by (BLH-871026KD).

FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION LICENSE



Official Mailing Address:

OWENSVILLE COMMUNICATIONS COMPANY
P.O. BOX 555
OWENSVILLE, MO 65066

Authorizing Official:

Dale E. Beckel for

George A. Enuton
Supervisory Engineer, FM Branch
Audio Services Division
Mass Media Bureau

Grant Date: APR 1 1988

Call sign: KZBR

This license expires 3:00 am.
local time: February 01, 1990

License File No.: BLH-871026KD

This license covers Permit No.: BPH-850312MB

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Name of Licensee:

OWENSVILLE COMMUNICATIONS COMPANY

Station Location:

MO-OWENSVILLE

Call sign: KZBR

License No.: BLH-871026KD

Frequency (MHz): 95.3

Channel: 237

Class: A

Hours of Operation: Unlimited

Main Studio Address:

MO-103A E PETERS, OWENSVILLE

Transmitter location (address or description):

JUST OFF HIGHWAY EE, 5 MILES SOUTH OF OWENSVILLE, MISSOURI

Remote control point address:

MO-103A E PETERS, OWENSVILLE

Transmitter: Type accepted. See Sections 73.1660, 73.1665 and 73.1670
of the Commission's Rules.

Transmitter output power (kW): 2.7

Antenna type: (directional or non-directional): Non-directional

Desc: PHELPS DODGE CFM-LP3, 3-BAY, CIRCULARLY POLARIZED ANTENNA
MOUNTED ON A ROHN 55G UNIFORM CROSS-SECTION GUYED TOWER.

Antenna coordinates: North Latitude: 38 15 22.0
West Longitude: 91 32 4.0

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the horizontal plane (kW) :	3.00	3.00
Height of radiation center above ground (meters) :	93.0	93.0
Height of radiation center above mean sea level (meters) :	368.0	368.0
Height of radiation center above average terrain (meters) :	100.0	100.0

overall height of antenna structure above ground (including obstruction
lighting, if any) : 97.0 meters

Obstruction marking and lighting specifications for antenna
structure:

It is to be expressly understood that the issuance of these specifications
is in no way to be considered as precluding additional or modified marking
or lighting as may hereafter be required under the provisions of Section
303(q) of the Communications Act of 1934, as amended.

Paragraph 1.0, FCC Form 715 (March 1978):

Antenna structures shall be painted throughout their height with
alternate bands of aviation surface orange and white, terminating with
aviation surface orange bands at both top and bottom. The width of the
bands shall be equal and approximately one-seventh the height of the
structure, provided however, that the bands shall not be more than 100
feet nor less than 1 and 1/2 feet in width. All towers shall be
cleaned and repainted as often as necessary to maintain good
visibility.

Paragraph 3.0, FCC Form 715 (March 1978):

There shall be installed at the top of the structure one 300 m/m
electric code beacon equipped with two 620- or 700-watt lamps (PS-40,
Code Beacon type), both lamps to burn simultaneously, and equipped
with aviation red color filters. Where a rod or other construction of
not more than 20 feet in height and incapable of supporting this
beacon is mounted on top of the structure and it is determined that
this additional construction does not permit unobstructed visibility
of the code beacon from aircraft at any normal angle of approach,
there shall be installed two such beacons positioned so as to insure
unobstructed visibility of at least one of the beacons from aircraft
at any normal angle of approach. The beacons shall be equipped with a
flashing mechanism producing not more than 40 flashes per minute nor
less than 12 flashes per minute with a period of darkness equal to
approximately one-half of the luminous period.

Paragraph 12.0, FCC Form 715 (March 1978):

On levels at approximately two-thirds and one-third of the over-all
height of the tower, there shall be installed at least two 115- or
125-watt lamps (A21/TS) enclosed in aviation red obstruction light
globes. Each light shall be mounted so as to insure unobstructed
visibility of at least one light at each level from aircraft at any
normal angle of approach.

call sign: KZBR

License No.: BLH-871026KD

Paragraph 21.0, FCC Form 715 (March 1978):

All lighting shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

EXHIBIT C

Draft Notice of Proposed Rule Making

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. _____
Table of FM Allotments)	RM-_____
Versailles, Missouri)	

NOTICE OF PROPOSED RULE MAKING

Adopted: _____, Released: _____

By the Chief, Allocations Branch

1. Twin Lakes Communications, Inc. ("Petitioner"), licensee of FM Station KLGS, currently operating on Channel 236A, Versailles, Missouri, filed a petition for rule making on January 25, 1993, seeking to substitute Channel 236C3 for Channel 236A at Versailles, Missouri, and requesting issuance of a modified license for KLGS to change its assigned channel from Channel 236A to Channel 236C3. Petitioner stated its intention to apply for and construct upgraded facilities on Channel 236C3, if allotted. Channel 236C3 can be allotted in compliance with the Commission's mileage separation requirements at the Petitioner's proposed reference coordinates.

2. In view of the foregoing, the Commission believes it appropriate to propose amending the FM Table of Allotments (Section 73.202(b) of the Commission's Rules) with regard to the following community:

<u>Community</u>	<u>Present</u>	<u>Channel No.</u> <u>Proposed</u>
Versailles, Missouri	236A	236C3

The Commission also believes it appropriate, pursuant to Section 1.420(g) (3), to propose modification of Petitioner's license, as requested, to specify operation on Channel 236C3, because Channel 236C3 is a mutually exclusive higher class co-channel with respect to Channel 236A.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

4. Interested parties may file comments on or before _____, and reply comments on or before _____, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on Petitioner's counsel as follows:

Frank R. Jazzo, Esquire
Fletcher, Heald & Hildreth
11th Floor
1300 North 17th Street
Rosslyn, Virginia 22209

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See, Certification that

Section 603 and 604 of the Regulatory Flexibility Act do Not Apply to Rule Makings to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 Fed. Reg. 11549 (February 8, 1981).

6. For further information concerning this proceeding, contact _____, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who file the comment to which the reply is directed constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Chief, Allocations Branch
Mass Media Bureau